

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL.**

This document relates to:
Michelle Valentine, Individually and as
successor in interest to Scott Valentine,
Decedent, et al., Case No. 17-CV-0579

This document relates to:
Michelle Valentine, Individually and as
successor in interest to Scott Valentine,
Decedent, et al., Case No. 17-CV-0579

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Scott Valentine, Decedent

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim;

Michelle Valentine, Surviving spouse

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator);

Sydney Beily and Jordan Valentine Decedent's Children

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

All Plaintiffs and Decedent - California

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 All Plaintiffs and Decedent - California
4

5 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:
6 California
7

7 7. District Court and Division in which venue would be proper absent direct
8 filing:

8 U.S.D.C., Central District of California, Western Division
9

9 8. Defendants (check Defendants against whom Complaint is made):
10

11 C. R. Bard Inc.
12 Bard Peripheral Vascular, Inc.
13

14 9. Basis of Jurisdiction:
15

16 Diversity of Citizenship
17

18 Other: _____
19

20 a. Other allegations of jurisdiction and venue not expressed in Master
21 Complaint:
22

23 20. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
24 a claim (Check applicable Inferior Vena Cava Filter(s)):
25

26 Recovery® Vena Cava Filter
27 G2® Vena Cava Filter
28 G2® Express Vena Cava Filter
29 G2® X Vena Cava Filter
30 Eclipse® Vena Cava Filter
31 Meridian® Vena Cava Filter
32

1 Denali® Vena Cava Filter
2 Other: Simon Nitinol Inferior Vena Cava (IVC) Filter

3 11. Date of Implantation as to each product:

4 On November 20, 2013, Decedent underwent insertion of the Simon
5 Nitinol IVC Filter

6 12. Counts in the Master Complaint brought by Plaintiff(s):

7 Count I: Strict Products Liability – Manufacturing Defect
8 Count II: Strict Products Liability – Information Defect (Failure
9 to Warn)
10 Count III: Strict Products Liability – Design Defect
11 Count IV: Negligence - Design
12 Count V: Negligence - Manufacture
13 Count VI: Negligence – Failure to Recall/Retrofit
14 Count VII: Negligence – Failure to Warn
15 Count VIII: Negligent Misrepresentation
16 Count IX: Negligence *Per Se*
17 Count X: Breach of Express Warranty
18 Count XI: Breach of Implied Warranty
19 Count XII: Fraudulent Misrepresentation
20 Count XIII: Fraudulent Concealment
21 Count XIV: Violations of Applicable California (insert
22 state) Law Prohibiting Consumer Fraud and Unfair and
23 Deceptive Trade Practices
24 Count XV: Loss of Consortium
25 Count XVI: Wrongful Death
26 Count XVII: Survival
27 Punitive Damages

Other(s): _____ (please state the facts supporting this Count in the space immediately below)

CA Civil Code, Sections 1709 and 1710: Defendant willfully deceived Plaintiffs/Decedent and the public in general by concealing the true facts concerning the Simon Nitinol IVC Filter including but not limited to, failing to warn of the hazards associated with the filter, failing to properly test the filter, and failing to remove the filter from the market.

13. Jury Trial demanded for all issues so triable?

Yes
 No

RESPECTFULLY SUBMITTED this 23 day of October, 2017.

By: Neil K. H. McDonald

Nicole Maldonado
Baum, Hedlund, Aristei and Goldman
12100 Wilshire Blvd., Suite 950
Los Angeles, CA 90025

I hereby certify that on this 23^r day of October, 20¹⁷, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Nicole K.H. Maldonado